

**CUSTOMER NO.: 24498****Serial No. 10/528,597****Reply to Final Office Action dated: 08/20/08****Response dated: 12/31/08****PATENT****PF020121****REMARKS**

In the Office Action, the Examiner noted that claims 1-18 are pending in the application and that claims 1-18 stand rejected. By this response, claim 11 is amended to correct for formality errors pointed out by the Examiner and not in response to prior art.

In view of the amendments presented above and the following discussion, the Applicant respectfully submits that none of the claims now presently in the application are rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Thus, the Applicant believes that all of these claims are now in allowable form.

**Rejections****A. 35 U.S.C. § 112**

The Examiner rejected claim 11 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Regarding claim 11, the Examiner states that the limitation of "said means" in the end of line 2 to the beginning of line 3 is not explicitly clear as to what the Applicant is referring to.

In response, the Applicant has herein amended claim 11 to amend the limitation "said means" to recite "said means of display of an identifier of the appliance" referring to a limitation presented earlier in claim 11. Having done so, the Applicant respectfully submits that the basis for the Examiner's rejection of claim 11 under 35 U.S.C. 112, second paragraph, has been removed. Therefore, the Applicant respectfully requests that the Examiner's rejection of claim 11 be withdrawn.

**B. 35 U.S.C. § 103**

The Examiner rejected the Applicant's claims 1-2, 5-9 and 13-14 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Evans et al. (US 4,825,200, hereinafter "Evans") and further in view of Pessina et al. (US 6,992,612, hereinafter "Pessina"). The rejection is respectfully traversed.

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The Applicant submits that Evans discloses a reconfigurable remote control transmitter that can be used with a plurality of remotely controlled products, each of which is normally controlled with one or more signals from an associated remote control transmitter. The reconfigurable transmitter has a plurality of input keys and operates either in a Learn mode in which it may store indications of signals generated by the remote control transmitter from one or more of the products or a Run mode in which it selectively transmits stored signals in response to one or more keyed inputs (see the abstract). The Learn mode consists in putting face to face another remote control that sends IR codes (see Evans, column 6 line 33). The reconfigurable remote control disclosed by Evans receives the IR code and stores it in the memory 112. That is, Evans specifically recites:

"All of the codes from a given source controller may be stored in a single learning session. When all of the codes for a given controller have been stored, the run/learn switch 40 is returned to the run position." - See column 6 line 65 to 68. Then, when a key is pressed, the IR code associated with this key is sent." (see Evans, column 6 line 65)

In Evans, the paragraph beginning on column 11, line 47 discloses the run mode (i.e. "Normal use"). Evans teaches that "Once controller 10 has been programmed, it may be utilized to control any one of the devices which it has been programmed to control or may, by use of a program key, be utilized to simultaneously control two or more of the devices. To use the controller, Run/Learn switch 40 is set to the run position". Therefore, if the controller 10 has not been programmed, it does not work since its memory has not stored any IR code received from another controller. That is, Evans specifically recites:

"If the batteries go completely dead before being replaced, or if the batteries are removed and are not replaced within the interval when the capacitor will maintain RAM 112, the stored codes will be lost and it will be necessary to reprogram the controller in the manner previously discussed before it can be used again." (See Evans, column 12 lines 51 to 56 ).

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As clear from at least the portion of Evans presented above, the remote control disclosed by Evans contains only associations that are programmed during a programming step.

In contrast, in the invention of the Applicant as taught and claimed, the remote device runs according to two modes. In the first mode, the means of control of the remote device controls the appliance selected by the means of selection. In this mode, the associations between a key and an appliance are not programmable by the step of programming. Therefore, Evans does not teach the first mode of our claimed invention.

In a second mode as taught and claimed by the Applicant, the means of control of the remote device controls several appliances according to the associations made during the programming step. The Examiner writes in the lines 3 to 5 of page 4 of the Office Action: "Evans fails to disclose a special mode for operating different appliances at the same time; wherein the reconfigurable keys are configured to operate different appliances without the use of the mode selection switch to select individual appliances". Therefore, as conceded by the Examiner, the second mode of the invention as taught and claimed by the Applicant is also not disclosed by Evans.

The Applicant further submits that the teachings of Pessina absolutely fail to bridge the substantial gap between the teachings of Evans and the invention of the Applicant. That is, the Applicant submits that Pessina discloses an infrared hand-held remote control for handling a single or plurality devices. By referring to figure 7A of Pessina, it is clear that in the invention of Pessina the control buttons are specifically configured to control specific devices : button 60a : SHADE 1, button 60b : SHADE 2, button 62a : WINDOW 1, button 62b : WINDOW 2. The appliances are grouped according to the same type. The group of buttons providing for the control of different appliances or devices of the same type, is identified by easy to comprehend icon or alphabetic representations. Pessina teaches that the position or the shape of the buttons, or the position and the form of the corresponding icon are defined during the manufacturing of the remote control. Therefore, in the invention of Pessina the keys are not reconfigurable.

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That is, in the invention of Pessina it is not possible to change the appliance that is associated with a button. This is clear by the teachings of Pessina, which specifically recite:

"These buttons 51a, 51b allow an operator to select which window drapes are selected to be controlled by the remote control." (See Pessina, column 4 lines 59 to 61).

Therefore, the Applicant submits that Pessina does not teach that the buttons allowing the remote control of several appliances are used by "*programming at least two associations between at least two means of control and at least two appliances of said plurality of appliances*" as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims.

The Applicant submits that, because the programming step of the Applicant's invention is not taught or suggested by Pessina, the Applicant's claimed steps of:

- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,

- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection,

are not taught or suggested by Pessina. The Applicant further disagrees with the Examiner's assertion that Pessina teaches "a special mode of remotely controlling multiple appliances continuously at the same time using a single remote control". That is, the Applicant submits that Pessina teaches a single mode, i.e. a classic mode. Pessina, however, does not teach nor suggest another mode where the buttons do not have the same function or application as taught and claimed by the Applicant.

That is, in the Applicant's claimed invention, in the first mode, the remote device is dedicated to an appliance, this appliance being selected amongst a plurality of appliances with a means of selection. In the second mode, the associations defined in the programming steps are activated. The Applicant

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submits that if the skilled person in the art were to combine the teachings of Evans and Pessina, all of the buttons of the remote control of Evans and the added buttons of the remote control of Pessina, would be function for controlling only a specific appliance programmed for that button. Therefore, the combination of Evans and Pessina produce a remote with numerous buttons but only one running mode in which each button is preprogrammed to control only a single appliance. The skilled person is not incited to use in the same remote the two modes such as we claim. Therefore the Applicant submits that the steps of

- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming;

- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection,

as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims are not taught nor suggested by Evans and Pessina, alone or in any allowable combination. Even if the systems of Evans and Pessina could be combined, as suggested by the Office Action, the combined system would not make the present claimed arrangement unpatentable.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 1-2, 5-9 and 13-14 and 16 are not rendered obvious by the teachings of Evans and Pessina, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

#### **C. 35 U.S.C. § 103**

The Examiner rejected claims 3 and 10 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina as applied to claims 1, 2 and 8, 9 above and further in view of Nakajima (US 5,949,151). The rejection is respectfully traversed.

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The Examiner applied Evans and Pessina for the rejection of claims 3 and 10 as applied above for the rejection of the Applicant's claims 1, 2 and 8, 9. As stated above, the Applicant submits that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 1, 2 and 8, 9. As such and for at least the reasons recited above, the Applicant further submits that the teachings of Evans and Pessina also absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 3 and 10, which depend directly from the Applicant's claims 2 and 9 and indirectly from the Applicant's claims 1 and 8, respectively.

The Applicant further submits that the teachings of Nakajima absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Applicant. More specifically, Nakajima discloses an electronic control member for preventing the stealing of a vehicle and an electronic control member for controlling ignition timing of an ignition device. According to the prior art, the electronic circuit portion of the receiver portion for the remote controlling installed on the side of the vehicle is not integrally formed with the electronic control means of the antitheft apparatus for the vehicle. Therefore, there has been such a possibility that a physical load is placed on the wiring and a short circuit or the like is caused and a malfunction occurs. The solution disclosed by Nakajima consists in disposing electronic control means for controlling ignition timing of an ignition device starting the engine of the vehicle and the antitheft electronic control means, on the same substrate and in one package (see Nakajima column 2 lines 23 to 27).

The Applicant submits, however, that Nakajima does not teach nor suggest that at least two electronic appliances are controlled by a remote and that this remote has a means of selection of an appliance from a plurality of appliances. That is, the Applicant submits that Nakajima absolutely fails to teach or suggest the steps of

- activating the device in a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,

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- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating in the second mode being triggered by inputting a command on the means of selection,

as taught in the Applicant's Specification and claimed by at least the Applicant's independent claims and specifically claims 1 and 8. In fact, the Examiner only cites Nakajima for teaching generating alarms when an unauthorized operation is detected.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of Evans Pessina and Nakajima fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claims 1 and 8, and as such, claims 3 and 10, which depend directly from the Applicant's claims 2 and 9 and indirectly from the Applicant's claims 1 and 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 3 and 10 are not rendered obvious by the teachings of the Evans, Pessina and Nakajima, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

#### D. 35 U.S.C. § 103

The Examiner rejected claims 4 and 11-12 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina as applied to claims 1 and 8 above and further in view of Stacy et al. (US 6,127,961, hereinafter "Stacy"). The rejection is respectfully traversed.

The Examiner applied Evans and Pessina for the rejection of claims 4 and 11-12 as applied above for the rejection of the Applicant's claims 1 and 8. As stated above, the Applicant submits that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 1 and 8. As such and for at least the reasons recited above, the Applicant further submits that the teachings of

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Evans and Pessina also absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 4 and 11-12, which depend directly from the Applicant's claims 1 and 8, respectively.

The Applicant further submits that the teachings of Stacy absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Applicant. That is, Stacy discloses a programmable remote control suitable for sending IR control codes for a plurality of controllable devices. The remote control comprises several control keys 20 corresponding to several devices : TV, VCR, CABLE, AUX1, AUX2. The devices comes from different manufacturers, therefore, the sent IR code depends on the manufacturer. The programmable remote control has a configuration step consisting in associating a control key 20 to a manufacturer. By this way, when the remote is configured to control a specific device, the IR code corresponding to the manufacturer of this device is sent.

Stacy does not disclose that the remote control comprises two running modes : a first mode where the appliance selected by the means of selection is controlled by the means of control and a second mode where several appliances are controlled by the means of selection according to the associations performed during the programming step, said activating step being triggered by the means of selection.

Moreover, the programming means according to STACY consists in associating a key corresponding to a specific device with a manufacturer, therefore STACY does not disclose a means of programming of "associations between a means of control and one appliance amongst a plurality of appliances" as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.

In even further contrast to the invention of the Applicant, the programming means according to Stacy consists in associating a key corresponding to a specific device with a manufacturer, therefore Stacy does not disclose a means of programming of "associations between a means of control and one appliance amongst a plurality of appliances" as taught and claimed by the Applicant. More specifically, the Applicant submits that Stacy absolutely fails to teach, suggest or

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anticipate at least "- activating the device in a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step, said activating step being triggered by inputting a command on the means of selection" and "- re-activating the device in a first mode by inputting a new command on the means of selection" as taught in the Applicant's Specification and as claimed by at least the Applicant's claims 1 and 8.

In addition, the Applicant submits that the Examiner concedes that the Stacy reference alone fails to render the Applicant's claims 4 and 11-12 obvious. That is, the Examiner only applied Stacy to the Applicant's claims for teaching a method of using a programmable remote control having a step of displaying a visual identifier of an appliance. However, as recited above, Stacy absolutely fails to teach, suggest or render obvious the Applicant's claims 1 and 8 and as such also fails to teach, suggest or render obvious the Applicant's claims 4 and 11-12, which depend directly from the Applicant's claims 1 and 8.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of Evans, Pessina and Stacy fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claims 1 and 8, and as such, claims 4 and 11-12, which depend directly from the Applicant's claims 1 and 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 4 and 11-12 are not rendered obvious by the teachings of Evans, Pessina and Stacy, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

#### E. 35 U.S.C. § 103

The Examiner rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina as applied to claims 8 and 9 above and further in view of Allport (US 6,104,334). The rejection is respectfully traversed.

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The Examiner applied Evans and Pessina for the rejection of claim 15 as applied above for the rejection of the Applicant's claims 8 and 9. As stated above, the Applicant submits that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 8 and 9. As such and for at least the reasons recited above, the Applicant further submits that the teachings of Evans and Pessina also absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claim 15, which depends directly from the Applicant's claim 9 and indirectly from the Applicant's claim 8.

The Applicant further submits that the teachings of Allport absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Applicant. More specifically, Allport discloses a remote control that uses commands to control various consumer appliances made by various manufactures. The remote control is programmable, has its own graphical display and is capable of interacting with the internet or other data source to provide a rich set of functionality.

Allport specifically discloses on column 4 line 28 to 39:

"The present invention relates to a remote control dedicated to the control of various consumer devices made by various manufacturers, and to methods of its use. It has programmable function keys (both physical and on-screen), and a graphical display used to show status and help information on the devices being controlled, identify the function associated with each key, and allow the consumer to browse, select, or otherwise manipulate data related to the control of the consumer devices."

And on column 4 lines 50 to 52:

"The information is generally available from the manufacturer of the device, or from the internet, or from any of several other sources."

Allport discloses that the user interface software is downloaded from a PC or other source to the remote control and stored in a memory. Allport specifically discloses on column 28 line 51:

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"As described herein, the remote control 10 may connect to the internet or other data source directly or by a home PC. The connection may be through wired communications or by wireless."

As taught in Allport, the remote control can download the IR sequence that then, will command a single device or several devices. Allport does not teach that before the downloading of the user interface software and IR command, the remote control already controls a device. The most probable response is that the remote control has to be programmed by a PC for controlling specific devices. Therefore, the remote according to Allport does not have two running modes as taught and claimed by the Applicant and specifically that: In the first mode, the means of control of the remote device controls the appliance selected by the means of selection as taught and claimed by the Applicant. In this mode, the associations between a key and an appliance are not programmable by the step of programming. Therefore, the Applicant submits that Allport does not teach the first mode of the Applicant's claimed invention. That is, the Applicant submits that the step of activating the remote control in the first mode is not taught nor suggested by Evans, Pessina and Allport taken alone or in any allowable combination. In fact, the Examiner only cited Allport for teaching a remote control to various consumer appliances which comprises a touch screen display.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of Evans, Pessina and Allport fail to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claims 8 and 9, and as such, claim 15, which depends directly from the Applicant's claims 9 and indirectly from the Applicant's claim 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claim 15 is not rendered obvious by the teachings of the Evans, Pessina and Allport, alone or in any allowable combination and, as such, fully satisfies the requirements of 35 U.S.C. § 103 and is patentable thereunder.

The Applicant reserves the right to establish the patentability of each of the claims individually in subsequent prosecution.

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The Examiner rejected claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Evans and Pessina as applied to claim 8 above and further in view of Guyer (US 6,130,624). The rejection is respectfully traversed.

The Examiner applied Evans and Pessina for the rejection of claims 17 and 18 as applied above for the rejection of the Applicant's claim 8. As stated above, the Applicant submits that the teachings of Evans and Pessina, alone or in any allowable combination, absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claim 8. As such and for at least the reasons recited above, the Applicant further submits that the teachings of Evans and Pessina also absolutely fail to teach, suggest, anticipate or render obvious at least the Applicant's claims 17 and 18, which depend either directly or indirectly from the Applicant's claim 8.

The Applicant further submits that the teachings of Guyer absolutely fail to bridge the substantial gap between the teachings of Evans and Pessina and the invention of the Applicant. More specifically, Guyer discloses a remote control device having buttons with a primary function of activating generation of a control signal by the remote and secondary function of activating generation of an audio sample. The remote control device may include several different sets of audio samples, each set being associated with a particular television program, a particular theme or genre, and/or a particular component. By this way, the remote control may generate control signals in silence, or generate control signals in conjunction with audio features, or generate audio features without generation of control signals.

The remote contains specific buttons "AUX", "CABLE", "VCR", "TV" for controlling several devices. The user firstly selects the device by pushing the wished buttons and secondly sends a command to the selected device. The remote is able to control several devices from different manufacturers. Guyer discloses on column 3 lines 40 to 54:

*..to ready the universal remote 10 for a particular television (for example, one manufactured by TOSHIBA), the user presses the TV button 26 followed by the code search button 22. The remote 10 then samples and identifies the television as being a TOSHIBA make/model. Afterward, for all*

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*times when the TV button 26 is the last of the component selection buttons 20 pressed, the remote 10 is ready to send command signals (for example, channel and volume signals) at the press of a command signal button 24 for control of the TOSHIBA television. If any of the VCR button 28, the cable button 30 or the auxiliary button 32 is the last of the component selection buttons 20 pressed, the remote 10 will associate a different menu of command signals with the command signal buttons 24 and will not control the TOSHIBA television."*

Therefore, the remote according to Guyer's teaching already contains all the possible associations between a manufacturer and a command code. Moreover, Guyer does not disclose that the remote control remains in a permanent mode where "at least two appliances are continuously controlled by the means of control" according to the associations performed during the programming step as taught and claimed by the Applicant. In Guyer, if the user wants to control another device, he has to select this new device by keying the button "AUX", "CABLE", "VCR" or "TV". In the Applicant's claimed invention, the second mode allows controlling continuously several appliances. Therefore, the Applicant submits that Guyer does not teach nor suggest that the remote has the two running modes as taught and claimed by the Applicant and as follows:

- a first mode where the appliance selected by the means of selection is controlled by the means of control according to associations that are not programmed during the step of programming,
- a second mode wherein at least two appliances are continuously controlled by the means of control according to the associations performed during the programming step.

Therefore, and for at least the reasons recited above, the Applicant submits that any allowable combination of Evans, Pessina and Guyer fails to teach, suggest or render obvious the Applicant's invention, at least with respect to the Applicant's claim 8, and as such, claims 17 and 18, which depend either directly or indirectly from the Applicant's claim 8.

Therefore, the Applicant submits that for at least the reasons recited above, the Applicant's claims 17 and 18 not rendered obvious by the teachings of the Evans, Pessina and Guyer, alone or in any allowable combination and, as such, fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder.

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The Applicant reserves the right to establish the patentability of each of the claims **DEC 31 2008** individually in subsequent prosecution.

**Conclusion**

Thus the Applicant submits that none of the claims, presently in the application, are rendered obvious under the provisions of 35 U.S.C. § 103. Furthermore, the Applicant also submits that all of these claims now satisfy the requirements of 35 U.S.C. §112. Consequently, the Applicant believes that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion, it is respectfully requested that the Examiner telephone the undersigned.

Respectfully submitted,

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